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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**STIPULATED ORDER
CONFIRMING UNDISPUTED
ATTORNEYS' FEES AND COSTS
FOR THE SECOND QUARTER OF
2022**

Judge: Hon. Claudia Wilken

Case No. C94 2307 CW

STIPULATED ORDER CONFIRMING UNDISPUTED ATTORNEYS' FEES AND COSTS FOR THE SECOND
QUARTER 2022

1 On March 26, 1997, the District Court established procedures by which Plaintiffs
2 are to collect periodic attorneys' fees and costs in this case in connection with their work
3 monitoring Defendants' compliance with the Court's Orders and collecting fees.

4 Pursuant to these procedures, on July 20, 2022, Plaintiffs served on Defendants
5 their Second Quarterly Statement for 2022 by electronic transmission. The parties
6 completed their meet-and-confer process on September 2, 2022 as to the fees and costs
7 incurred on all matters.

8 As a result of the September 2, 2022 agreement, the parties agree to the following:

9 The parties agree to the payment of \$2,327,859.87 to resolve all fees and costs
10 incurred during the Second Quarter of 2022, for monitoring and/or litigation activities in
11 the California Department of Corrections of Rehabilitation Division of Adult Operations
12 and Adult Programs (CDCR AOAP) portion of the case. Attached hereto as **Exhibit A** are
13 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
14 the parties to settle these claims.

15 The parties agree to the payment of \$132,141.20 to resolve all fees and costs
16 incurred during the Second Quarter of 2022, for monitoring and/or litigation activities in
17 the Board of Parole Hearings (BPH) portion of the case. Attached hereto as **Exhibit B** are
18 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
19 the parties to settle these claims.

20 The parties agree to the payment of \$175,496.85 to resolve all fees and costs
21 incurred during the Second Quarter of 2022, for monitoring and/or litigation activities in
22 the Division of Adult Parole Operations (DAPO) portion of the case. Attached hereto as
23 **Exhibit C** are charts setting forth the fees and costs claimed by Plaintiffs and the amounts
24 agreed to by the parties to settle these claims.

25 The parties agree to the payment of \$23,110.59 to resolve all fees and costs incurred
26 during the Second Quarter of 2022, for fees work. Attached hereto as **Exhibit D** are charts
27 setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by the
28 parties to settle these claims.

1 The parties agree to the payment of \$26,767.75 to resolve all fees and costs incurred
 2 during the Second Quarter of 2022, for litigation activities in the appeal of the RJD Order,
 3 Ninth Circuit Court of Appeal Case No. 20-16921. Attached hereto as **Exhibit E** are
 4 charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to by
 5 the parties to settle these claims.

6 The parties agree to the payment of \$5,544.00 to resolve all fees and costs incurred
 7 during the Second Quarter of 2022, for litigation activities in the appeal of the Five Prisons
 8 Order, Ninth Circuit Court of Appeal Case No. 21-15614. Attached hereto as **Exhibit F**
 9 are charts setting forth the fees and costs claimed by Plaintiffs and the amounts agreed to
 10 by the parties to settle these claims.

11 IT IS HEREBY ORDERED that the amounts set forth above are due and
 12 collectable as of forty-five days from the date of entry of this Order. Interest on these fees
 13 and costs will run from August 22, 2022, accruing at the rate provided by 28 U.S.C.
 14 § 1961.

15
 16 DATED: September 12, 2022



17 Claudia Wilken
 18 United States District Judge

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APPROVED AS TO FORM:

DATED: September 6, 2022

/s/Sharon Garske

Sharon Garske
Supervising Deputy Attorney General
Attorney for Defendants

DATED: September 6, 2022

/s/Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld
Rosen Bien Galvan & Grunfeld LLP
Attorney for Plaintiffs

EXHIBIT A

Armstrong v. Newsom
Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

CDCR/AOAP SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
CDCR/AOAP MONITORING	\$2,247,921.64	\$79,938.23
	TOTAL UNDISPUTED:	\$2,327,859.87

Armstrong v. Newsom
 Second Quarterly Statement of 2022
 April 1, 2022 through June 30, 2022
Matter: CDCR/AOAP Monitoring/Merits

Monitoring (581-3)	Actual	Claimed	2022	Fees Now Owing
	Hours	Hours	Rates	Based On Negotiated Compromise
ROSEN, BIEN, GALVAN & GRUNFELD				
Michael W. Bien (MWB)	16.00	15.40	\$1,400	\$21,560.00
Gay C. Grunfeld (GCG)	74.40	74.40	\$1,000	\$74,400.00
Ernest Galvan (EG)	0.5	0.2	\$950	\$190.00
Penny Godbold (PG)	369.40	369.30	\$800	\$295,440.00
Thomas Nolan (TN)	233.30	230.30	\$825	\$189,997.50
Jenny S. Yelin (JY)	0.10	0.00	\$750	\$0.00
Michael L. Freedman (MLF)	154.00	151.30	\$750	\$113,475.00
Ben Bien-Kahn (BBK)	51.70	50.90	\$725	\$36,902.50
Caroline E. Jackson (CEJ)	219.40	207.40	\$650	\$134,810.00
Michael S. Nunez (MSN)	58.50	33.10	\$675	\$22,342.50
Priyah Kaul (PK)	4.90	4.90	\$575	\$2,817.50
Eric Monek Anderson (EMA)	103.30	103.10	\$500	\$51,550.00
Hannah Chartoff (HC)	55.10	54.10	\$425	\$22,992.50
Karen Stilber (KES)	43.80	43.30	\$400	\$17,320.00
Linda Woo (LHW)	0.20	0.00	\$400	\$0.00
F. Gail LaPurja (FGL)	5.40	0.00	\$375	\$0.00
Greg Gonzalez (GZG)	7.10	5.50	\$375	\$2,062.50
Nathalie Welch (NWL)	11.90	10.20	\$300	\$3,060.00
Jack Gleiberman (JG)	245.10	242.80	\$300	\$72,840.00
Ellinor Heywood (EH)	27.00	23.90	\$300	\$7,170.00
Morgan Botelle (MB)	344.00	302.10	\$300	\$90,630.00
Fely F. Villadelgado (FFV)	98.80	0.00	\$300	\$0.00
Rebecca Berman (RB)	14.70	13.40	\$300	\$4,020.00
Adam Dean (AD)	187.50	187.50	\$300	\$56,250.00
Sanjana Srinivasan (SS)	5.00	0.00	\$300	\$0.00
Yesi Murillo (YM)	41.50	35.10	\$260	\$9,126.00
Ellen T. Brancart (ETB)	20.50	20.10	\$260	\$5,226.00
Sarah A. Corkum (SAC)	147.10	143.50	\$260	\$37,310.00
Teya Khalil (TK)	14.60	14.60	\$260	\$3,796.00
Kelly Mu (KM)	275.60	262.40	\$260	\$68,224.00
Hannah Potter (HP)	8.80	0.00	\$260	\$0.00
Zoe Cullison-Shimada (ZS)	21.70	21.40	\$260	\$5,564.00
Isabel Ting (IT)	290.00	258.90	\$260	\$67,314.00
Total Hours:	3,150.90	2,879.10		
RBGG FEES:			\$1,416,390.00	\$1,363,275.38
PRISON LAW OFFICE				
Donald Specter (DS)	6.90	6.90	\$1,100	\$7,590.00
Sara Norman (SN)	1.40	1.40	\$900	\$1,260.00
Rita Lomio (RL)	191.70	191.70	\$725	\$138,982.50
Margot Mendelson (MM)	66.90	66.90	\$700	\$46,830.00
Tess Borden (TB)	18.60	18.60	\$550	\$10,230.00
Jacob Hutt (JH)	267.80	267.80	\$475	\$127,205.00
Patrick Booth (PB)	172.40	172.40	\$400	\$68,960.00
Amber Norris (AN)	120.40	120.40	\$400	\$48,160.00
Claudia Cesena (CS)	119.70	119.70	\$400	\$47,880.00
Tania Amarillas (TA)	351.40	351.40	\$350	\$122,990.00
Gabriela Pelsinger (GP)	112.20	112.20	\$350	\$39,270.00
Skye Lovett (SL)	376.80	376.80	\$325	\$122,460.00
Alondra Diaz-Saavedra	46.60	46.60	\$300	\$13,980.00
Audrey Lim (AL)	104.80	104.80	\$300	\$31,440.00
Dewi Zarni (DZ)	19.50	19.50	\$300	\$5,850.00
Ilian Meza Pena (IP)	109.80	109.80	\$300	\$32,940.00
Isabela Avila Breach (IAB)	56.80	56.80	\$300	\$17,040.00
Joanna Cardenas (JC)	44.50	44.50	\$300	\$13,350.00
Juliette Mueller (JM)	13.10	13.10	\$300	\$3,930.00
Katherine Hong (KH)	7.90	7.90	\$300	\$2,370.00
Korbin Felder (KF)	1.10	1.10	\$300	\$330.00
Michael Brodheim	0.50	0.50	\$300	\$150.00
Sophie Mishara (SM)	52.30	52.30	\$300	\$15,690.00
Total Hours:	2,263.10	2,263.10		
PLO FEES:			\$918,887.50	\$884,429.22
DISABILITY RIGHTS EDUCATION AND DEFENSE FUND				
Case Clerk (H. Min)	1.10	1.10	\$205	\$225.50
Total Hours:	1.10	1.10		
DREDF FEES:			\$225.50	\$217.04
TOTAL CDCR/AOAP MONITORING FEES:				
			\$2,335,503.00	\$2,247,921.64

Armstrong v. Newsom

Second Quarterly Statement of 2022

April 1, 2022 through June 30, 2022

Costs**Matter: CDCR/AOAP Merits/Monitoring**

	Costs	Costs Now Owing Based on Negotiated Compromise
Rosen, Bien, Galvan & Grunfeld (581-3)		
Photocopying (In house)	\$1,693.60	\$1,630.09
Photocopying/printing (Outside)	\$2,149.83	\$2,069.21
Expert Services	\$42,600.35	\$41,002.84
Transcription and Translation	\$490.14	\$471.76
Online Research - PACER, Westlaw, State courts	\$382.98	\$368.62
Postage & Delivery	\$1,038.34	\$999.40
Telephone	\$6.00	\$5.78
Travel - Mileage, Tolls, Food	\$12,416.90	\$11,951.27
Total RBGG Costs:	\$60,778.14	\$58,498.96
Prison Law Office		
Interpreting/SLI/Translation services	\$3,817.49	\$3,674.33
Travel - Mileage, Tolls, Food	\$17,384.84	\$16,732.91
Postage & Delivery	\$974.94	\$938.38
Total PLO Costs:	\$22,177.27	\$21,345.62
Disability Rights Education & Defense Fund, Inc.		
Photocopying (in-house)	\$80.00	\$77.00
Postage & Delivery	\$17.30	\$16.65
Total DREDF Costs:	\$97.30	\$93.65
TOTAL CLAIMED CDCR/AOAP MERITS/MONITORING COSTS:	\$83,052.71	\$79,938.23

EXHIBIT B

Armstrong v. Newsom
Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

BPH SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
BPH	\$132,136.81	\$4.39
	TOTAL UNDISPUTED:	\$132,141.20

Armstrong v. Newsom

Second Quarterly Statement of 2022

April 1, 2022 through June 30, 2022

Matter: BPH**BPH (581-4)**

Actual Claimed 2022

Fees Now Owing
Based On NegotiatedHours Hours Rates TotalCompromise**BPH MONITORING (581-4)****ROSEN, BIEN, GALVAN & GRUNFELD**

Michael W. Bien (MWB)	1.50	1.50	\$1,400	\$2,100.00	\$2,021.25
Gay C. Grunfeld (GCG)	5.5	5.5	\$1,000	\$5,500.00	\$5,293.75
Thomas Nolan (TN)	49.80	47.50	\$825	\$39,187.50	\$37,717.97
Penny Godbold (PG)	2.00	2.00	\$800	\$1,600.00	\$1,540.00
Benjamin Bien-Kahn (BBK)	0.10	0.00	\$725	\$0.00	\$0.00
Michael S. Nunez (MSN)	49.80	25.50	\$675	\$17,212.50	\$16,567.03
Caroline E. Jackson (CEJ)39.10		37.90	\$650	\$24,635.00	\$23,711.19
Karen E. Stilber (KES)	3.80	3.80	\$400	\$1,520.00	\$1,463.00
Nathalie Welch (NW)	58.90	57.70	\$300	\$17,310.00	\$16,660.88
Adam Dean (AD)	9.60	9.60	\$300	\$2,880.00	\$2,772.00
Total Hours:	220.10	191.00			

RBGG FEES:**\$111,945.00****\$107,747.06****PRISON LAW OFFICE**

Sara Norman (SN)	0.40	0.40	\$900	\$360.00	\$346.50
Rita Lomio (RL)	1.70	1.70	\$725	\$1,232.50	\$1,186.28
Rana Anabtawi (RA)	27.20	27.20	\$700	\$19,040.00	\$18,326.00
Tess Borden (TB)	2.60	2.60	\$550	\$1,430.00	\$1,376.38
Jacob Hutt (JH)	6.9	6.9	\$475	\$3,277.50	\$3,154.59
Total Hours:	38.80	38.80			

PLO FEES:**\$25,340.00****\$24,389.75****TOTAL FEES FOR
BPH WORK:****\$137,285.00****\$132,136.81**

Armstrong v. NewsomSecond Quarterly Statement of 2022
April 1, 2022 through June 30, 2022**Costs*****Matter: BPH***

<u>Rosen, Bien, Galvan & Grunfeld (581-4)</u>	<u>Costs</u>	Costs Now Owing	
		<u>Based on Negotiated</u>	
		<u>Compromise</u>	
Photocopying (In house)	\$2.60		\$2.50
Postage and delivery	\$1.96		\$1.89
Total RBGG Costs:	\$4.56		\$4.39
TOTAL CLAIMED BPH COSTS:	\$4.56		\$4.39

EXHIBIT C

Armstrong v. Newsom
Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

DAPO SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COST</u>
DAPO MONITORING	\$174,413.18	\$1,083.67
	TOTAL UNDISPUTED:	\$175,496.85

Armstrong v. Newsom

Second Quarterly Statement of 2022

April 1, 2022 through June 30, 2022

Matter: DAPO Monitoring

<u>DAPO Monitoring (581-9)</u>	Actual	Claimed	2022		Fees Now Owing
	Hours	Hours	Rates	Total	Based On Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	0.60	0.00	\$1,400	\$0.00	\$0.00
Gay C. Grunfeld (GCG)	7.30	7.30	\$1,000	\$7,300.00	\$7,026.25
Penny Godbold (PG)	9.40	9.40	\$800	\$7,520.00	\$7,238.00
Thomas Nolan (TN)	13.30	13.30	\$825	\$10,972.50	\$10,561.03
Benjamin Bien-Kahn (BBK)	75.30	72.90	\$725	\$52,852.50	\$50,870.53
Caroline E. Jackson (CEJ)30.20		29.70	\$650	\$19,305.00	\$18,581.06
Priyah Kaul (PK)	11.80	11.40	\$575	\$6,555.00	\$6,309.19
Eric Monek Anderson (EMA)	11.80	11.80	\$500	\$5,900.00	\$5,678.75
Hannah Chartoff (HC)	13.50	13.50	\$425	\$5,737.50	\$5,522.34
Fely F. Villadelgado (FFV)	2.00	0.00	\$300	\$0.00	\$0.00
Nathalie Welch (NCW)	204.60	191.60	\$300	\$57,480.00	\$55,324.50
Rebecca Berman (RB)	3.90	0.00	\$300	\$0.00	\$0.00
Jack Gleiberman (JG)	8.10	7.00	\$300	\$2,100.00	\$2,021.25
Sarah A. Corkum (SAC)	21.10	21.10	\$260	\$5,486.00	\$5,280.28
Isabel Ting (IT)	0.20	0.00	\$260	\$0.00	\$0.00
Adam Dean (AD)	0.30	0.00	\$300	\$0.00	\$0.00
Total Hours:	413.40	389.00			
RBGG FEES:				\$181,208.50	\$174,413.18
TOTAL FOR DAPO MONITORING WORK:				\$181,208.50	\$174,413.18

Armstrong v. Newsom

Second Quarterly Statement of 2022

April 1, 2022 through June 30, 2022

Costs***Matter: DAPO Monitoring***

<u>Rosen, Bien, Galvan & Grunfeld (581-9)</u>	<u>Costs</u>	Costs Now Owing
		<u>Based on Negotiated</u> <u>Compromise</u>
Photocopying (in-house)	\$255.80	\$246.21
Postage & Delivery	\$87.77	\$84.48
Long distance and videophone charges	\$0.10	\$0.10
Travel - Mileage, Tolls, Food	\$782.22	\$752.89
Total RBGG Costs:	\$1,125.89	\$1,083.67
TOTAL CLAIMED DAPO MONITORING COSTS:	\$1,125.89	\$1,083.67

EXHIBIT D

Armstrong v. Newsom
Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

SUMMARY OF UNDISPUTED FEES WORK AND COSTS

	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
FEES WORK (ALL MATTERS)	\$22,989.31	\$121.28
TOTAL UNDISPUTED:		\$23,110.59

Armstrong v. Newsom

Second Quarterly Statement of 2022

April 1, 2022 through June 30, 2022

Matter: All Matters Fees Work

<u>Fees (581-2)</u>	Actual	Claimed	2022		Fees Now Owing
	Hours	Hours	Rates	Total	Based On Negotiated Compromise
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	14.50	14.50	\$1,000	\$14,500.00	\$13,956.25
Ernest Galvan (EG)	0.40	0.40	\$950	\$380.00	\$365.75
Karen E. Stilber (KES)	11.60	11.60	\$400	\$4,640.00	\$4,466.00
Morgan Botelle (MKB)	0.20	0.00	\$300	\$0.00	\$0.00
Total Hours:	26.70	26.50			
RBGG FEES:				\$19,520.00	\$18,788.00
<u>PRISON LAW OFFICE</u>					
Margot Mendelson (MKM)	2.60	2.60	\$700	\$1,820.00	\$1,751.75
Ashley Kirby (AK)	6.40	6.40	\$250	\$1,600.00	\$1,540.00
Total Hours:	9.00	9.00			
PLO FEES:				\$3,420.00	\$3,291.75
<u>DISABILITY RIGHTS EDUCATION AND DEFENSE FUND</u>					
Linda Kilb (LDK)	1.00	1.00	\$945	\$945.00	\$909.56
Total Hours:	1.00	1.00			
DREDF FEES:				\$945.00	\$909.56
TOTAL FEES FOR ARMSTRONG FEES WORK:				\$23,885.00	\$22,989.31

Armstrong v. Newsom

Second Quarterly Statement of 2022

April 1, 2022 through June 30, 2022

Costs***Matter: Fees Work in All Matters*****Rosen, Bien, Galvan & Grunfeld (581-2)**

Photocopying and Printing (in-house)

Postage & Delivery

Total RBGG Costs:**TOTAL CLAIMED FEES WORK COSTS :****Costs**

\$86.00

\$40.00

\$126.00**\$126.00****Costs Now Owing
Based on Negotiated****Compromise**

\$82.78

\$38.50

\$121.28**\$121.28**

EXHIBIT E

Armstrong v. Newsom
Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

APPEAL OF RJD ORDER SUMMARY OF UNDISPUTED FEES AND COSTS

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
APPEAL OF RJD ORDER	\$26,560.19	\$207.56
	TOTAL UNDISPUTED:	\$26,767.75

Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022
Matter: Appeal of RJD Order

<u>Fees (581-19)</u>	Actual	Claimed	2022		Fees Now Owing
					<u>Based On Negotiated</u>
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Gay C. Grunfeld (GCG)	3.00	3.00	\$1,000	\$3,000.00	\$2,887.50
Michael L. Freedman (MLF)	32.20	32.20	\$750	\$24,150.00	\$23,244.38
Hanna Chartoff (HC)	0.20	0.20	\$425	\$85.00	\$81.81
Karen E. Stilber (KES)	0.90	0.90	\$400	\$360.00	\$346.50
RBGG Fees:	36.30	36.30		\$27,595.00	\$26,560.19
TOTAL FEES FOR APPEAL OF RJD ORDER:				\$27,595.00	\$26,560.19

Armstrong v. Newsom

Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

Costs

Matter: Appeal of RJD Order

<u>Rosen, Bien, Galvan & Grunfeld (581-19)</u>	<u>Costs</u>	<u>Costs Now Owing Based on Negotiated Compromise</u>
Westlaw research	\$215.65	\$207.56
Total RBGG Costs:	\$215.65	\$207.56

EXHIBIT F

Armstrong v. Newsom
Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

**APPEAL OF 5 PRISONS ORDER SUMMARY OF UNDISPUTED FEES
AND COSTS**

<u>MATTER</u>	<u>UNDISPUTED FEES</u>	<u>UNDISPUTED COSTS</u>
APPEAL OF 5 PRISONS ORDER	\$5,274.50	\$269.50
	TOTAL UNDISPUTED:	\$5,544.00

Second Quarterly Statement of 2022
 April 1, 2022 through June 30, 2022
Matter: Appeal of 5 PRISONS Order

<u>Fees (581-20)</u>	Actual	Claimed	2022		Fees Now Owing
	<u>Hours</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>	<u>Based On Negotiated</u>
					<u>Compromise</u>
<u>ROSEN, BIEN, GALVAN & GRUNFELD</u>					
Michael W. Bien (MWB)	0.5	0.5	\$1,400	\$700	\$673.75
Gay C. Grunfeld (GCG)	4.30	4.30	\$1,000	\$4,300.00	\$4,138.75
Karen E. Stilber (KES)	1.20	1.20	\$400	\$480.00	\$462.00
	5.50	5.50		\$5,480.00	\$5,274.50
TOTAL FEES FOR APPEAL OF 5					
PRISONS ORDER:				\$5,480.00	\$5,274.50

Armstrong v. Newsom

Second Quarterly Statement of 2022
April 1, 2022 through June 30, 2022

Costs

Matter: Appeal of Five Prisons Order

<u>Rosen, Bien, Galvan & Grunfeld (581-20)</u>	<u>Costs</u>	Costs Now Owing
		<u>Based on Negotiated</u> <u>Compromise</u>
In house copying and printing	\$280.00	\$269.50
Total RBGG Costs:	\$280.00	\$269.50